

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

CALVIN WEAVER,

Plaintiff,

v.

**9:11-CV-1238
(NAM/RFT)**

ERIC GUTWEIN,

Defendant.

APPEARANCES:

OF COUNSEL:

CALVIN WEAVER
Plaintiff, *Pro Se*

HON. ERIC T. SCHNEIDERMAN
Attorney General of the State of New York
The Capitol
Albany, NY 12224
Counsel for Defendant

CHARLES J. QUACKENBUSH, ESQ.
Assistant Attorney General

NORMAN A. MORDUE, SENIOR U. S. DISTRICT JUDGE

ORDER

The above matter comes to me following a Report-Recommendation by Magistrate Judge Randolph F. Treece, duly filed on the 17th day of January 2014. Following fourteen (14) days from the service thereof, the Clerk has sent me the file, including any and all objections filed by the parties herein.

Such Report-Recommendation, which was mailed to plaintiff's last known residence, was returned to the Court as undeliverable to plaintiff at such address. *See* docket nos. 29 and 30.

Additionally, plaintiff was previously advised by the Court that plaintiff was required to promptly notify the Clerk's Office of any change in his address, and that failure to keep such

office apprised of his current address would result in the dismissal of the instant action. *See* docket no. 10.

After careful review of all of the papers herein, including the Magistrate Judge's Report-Recommendation, and no objections submitted thereto, it is

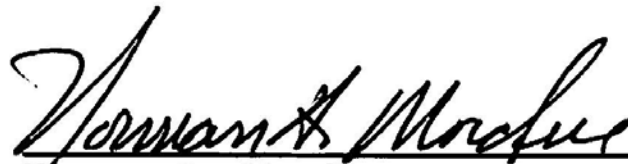
ORDERED that:

1. The Report-Recommendation is hereby adopted in its entirety.
2. The defendant's motion for summary judgment is granted and this action is dismissed.
3. The Clerk of the Court shall serve a copy of this Order upon all parties and the

Magistrate Judge assigned to this case.

IT IS SO ORDERED.

Dated: March 7, 2014
Syracuse, New York


Norman A. Mordue
Senior U.S. District Judge